



Express Mail No.: EV335858203US

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Brines et al

Confirmation No.: 5119

Serial No.: 09/717,057

Art Unit: 1647

Filed: November 21, 2000

Examiner: DeBarry, Regina

For: MODULATION OF EXCITABLE TISSUE  
FUNCTION BY PERIPHERALLY  
ADMINISTERED ERYTHROPOIETIN

Attorney Docket No.: 10165-010-999

RECEIVED  
JAN 22 2004  
TECH CENTER 1600/2900NOTICE OF APPEAL FROM THE PRIMARY EXAMINER  
TO THE BOARD OF PATENT APPEALS AND INTERFERENCESCommissioner for Patents  
P.O. Box 1450  
Mail Stop AF  
Alexandria, VA 22313-1450  
Sir:

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision dated of the Primary Examiner finally rejecting claims 1-7 and 9 of the above-identified application.

The item(s) checked below are appropriate:

1. ☒ An extension of time for responding to the final rejection for three (3) month(s):  
☐ was filed on  
☒ is submitted herewith together with the required fee of \$950.00.
2. ☒ A timely response to the final rejection has been filed.
3. ☒ A fee in the amount of \$330.00 is:  
☒ Required.  
☐ Not required (Fee paid in prior appeal).
4. ☐ Applicant has qualified for the 50% reduction in fee for an independent inventor, non-profit organization or small business concern and a fee in the amount of \$165.00 is:
5. ☒ Please charge the required fee, if any, to Pennie & Edmonds Deposit Account No. 16-1150. A copy of this sheet is enclosed.

Respectfully submitted,

Date: January 14, 2004

Laura A. Coruzzi 30,742  
Laura A. Coruzzi (Reg. No.)

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